IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 35792 of 2007(J)

PETITIONER:

CHALAPPURAM FUELS, IOC DEALERS,
MULANTHURUTHY - 682 314,
ERNAKULAM DISTRICT,
REPRESENTED BY ITS MANAGING PARTNER.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENT:

THE ASSISTANT CONTROLLER,
LEGAL METROLOGY, KAKKANAD,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 35792 OF 2007 J
==========

Dated this the 7th day of December, 2007

J U D G M E N T

Petitioner is a dealer of petroleum products marketed by the Indian Oil corporation Ltd. The officers of the Legal Metrology Department have restrained the petitioner from dispensing fuel through some of the dispensing units in the outlet on the allegation that there is variation in the quantity dispensed. Ext.P3 is the inspection report. A reading of Ext.P3 shows that even according to the Department, they have no case that the petitioner has tampered with the sales. Subsequent to Ext.P3, petitioner had requested the Department to re-stamp the dispensing units and as the request did not yield any result, this writ petition has been filed praying for directing the respondent to re-stamp the dispensing units mentioned in Ext.P3 as expeditiously as possible.

2. This Court had occasion to deal with similar contentions in WP(C) No.34396/07. In that case also, in a similarly situated case, as there was no allegation of tampering with the dispensing unit, the case was disposed of directing that

the respondent shall re-stamp the units, as expeditiously as possible, at any rate within seven days of receipt of a copy of that judgment.

Adopting the same reasoning, I dispose of this writ petition also directing that the respondent shall re-stamp the dispensing units of the petitioner's outlet, which are also mentioned in Ext.P3 inspection report, as expeditiously as possible, at any rate within seven days of production of a copy of this judgment. However, this shall be without prejudice to any action that the respondent might initiate against the petitioner.

ANTONY DOMINIC, JUDGE.

Rp